

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

**JANE DOE and J. DOE, as parents, natural
Guardians, and next friends of JOHN DOE,**

Plaintiffs,

v.

Case No. 3:21-cv-00031

**CABELL COUNTY BOARD OF EDUCATION
and JASON CURRY,**

Defendants

MEMORANDUM OPINION AND ORDER
SEALING REPLY AND EXHIBITS

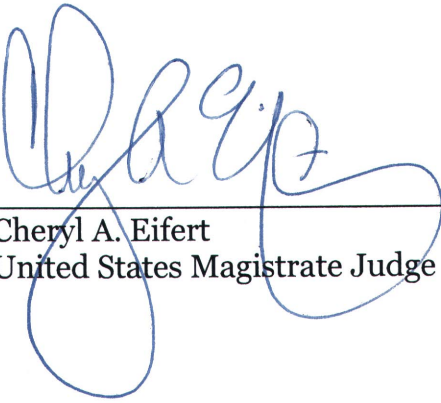
Pending before the Court is Defendant Cabell County Board of Education's Motion to Seal Reply in Support of Motion to Compel. (ECF No. 79). The Court notes that the attached Reply and exhibits contain confidential information involving a minor. Due to the confidential nature of the information contained in the reply and attached exhibits, this Court **GRANTS** Defendant Cabell County Board of Education's motion to seal and **ORDERS** the Clerk to file the Reply and attached exhibits as sealed. (ECF Nos. 79-2 through 79-3). The Motion itself, (ECF No. 79), should not be sealed.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3)

provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the reply and attached exhibits shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the nature of the information set forth in the documents—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Accordingly, the Court finds that sealing the reply and attached exhibits does not unduly prejudice the public's right to access court documents.

Clerk is instructed to provide a copy of this Order to counsel of record and any unrepresented parties.

ENTERED: January 19, 2022



Cheryl A. Eifert
United States Magistrate Judge